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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,676	02/15/2002	Ole Anders Jacobsen	P07457US00/DEJ	7733

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EXAMINER

LIN, KUANG Y

ART UNIT

PAPER NUMBER

1725

DATE MAILED: 03/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/049,676

Applicant(s)

JACOBSEN, OLE ANDERS

Examiner

Kuang Y. Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

1. Claims 6, 8, and 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, there is a lack of antecedent basis in the specification (nor in the drawing) for the claimed feature. In claim 8, it is not clear what position is the molding chamber front. In claims 9-18, they define the apparatus in term of method limitation. However, the method steps are extraneous to the apparatus. Further, in claim 12, line 3, "first sensor" shall be "second sensor".

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen et al.

Larsen et al show a method and an apparatus for forming stack molds by using a molding machine having a squeeze plate and a pivoted squeeze plate. In one embodiment, the molding method is characterized in a) that during the pre-compressing of the mold material, the squeeze plate is **moved towards** the pivoted squeeze plate, b) that during the movement, the pivoted squeeze plate is first moved through a small distance in the **same direction** as the squeeze plate,

c) that after this, the pivoted squeeze plate is held stationary during the remainder of the pre-compressing step while exerting an increasing compacting pressure on the mould material, until said certain compacting pressure on the mould material is attained, and d) that said certain compacting pressure is maintained through a certain period of time during the bilateral pressing of the mould (see col. 3, line 47+). They further disclose (see col. 4, line 14+) that **the pressing of each mould is controlled by a computer on the basis of values of the control parameters set forth in the claims and inputted in the computer, as well as data currently being supplied to the computer and relating to the movements of the squeeze plate and the pivoted squeeze plate and/or the pressure in the hydraulic liquid and/or the time used for pressing a mould.** By proceeding in this manner, the pressing of the moulds will to a great extent be independent of inevitable variations during the preparation of the mould material and hence in the latter's rheological characteristics, since such variations will immediately be reflected in the data supplied to the computer and may be accounted for by the control commands issued by the computer in such a manner, that the moulds being produced are pressed as uniformly as possible.

From the disclosure of Larsen et al it is apparent that their apparatus must be equipped with a computer for controlling the movement of the squeeze plate and the pivoted squeeze plate. Although they does not disclose as how the hydraulic system is connected to the controlling means, it would have been obvious for

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those of ordinary skill in the foundry art to arrange the hydraulic system, the squeeze plate, the pivoted squeeze plate and the computer in such a proper order that it will perform the designated function as recited supra.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(f) he did not himself invent the subject matter sought to be patented.

(g)(1) during the course of an interference conducted under section 135 or section 291, another inventor involved therein establishes, to the extent permitted in section 104, that before such person's invention thereof the invention was made by such other inventor and not abandoned, suppressed, or concealed, or (2) before such person's invention thereof, the invention was made in this country by another inventor who had not abandoned, suppressed, or concealed it. In determining priority of invention under this subsection, there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

5. Claims 1-18 are rejected under 35 U.S.C. 102(f)/(g) as being anticipated by Jacobsen et al (patent 6,502,620 or Application S.N. 10/271,538).

In the patent '620 and the application '538, they disclose a method of controlling the movements of the squeeze plates of a string molding apparatus. Further, in figure 4 it shows that the squeeze plate and the pivoted squeeze plate are moved either at the same direction or different directions at the different velocities. From the disclosure as stated supra it is apparently that the prior art apparatus must be provided with a controlling means for controlling the moving the plates at velocities as well as same and different directions.

Applicant is advised that this rejection can be overcome by showing that the instant invention and that of prior art references were commonly owned at the time the invention was made.

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No.

6,502,620. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed disclosure of the patent discloses the invention as claimed except that it does not disclose the controlling means. However, it does disclose a method of controlling the movements of the squeeze plates of a string molding apparatus. Further, in figure 4 it shows that the squeeze plate and the pivoted squeeze plate are moved either at the same direction or different directions at the different velocities. From the disclosure as stated supra it is apparently that the prior art

apparatus must be provided with a controlling means for controlling the moving the plates at velocities as well as same and different directions.

8. Claims 1-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 10/271,538. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed disclosure of the copending application discloses the invention as claimed except that it does not disclose the controlling means. However, it does disclose a method of controlling the movements of the squeeze plates of a string molding apparatus. Further, in figure 4 it shows that the squeeze plate and the pivoted squeeze plate are moved either at the same direction or different directions at the different velocities. From the disclosure as stated supra it is apparently that the prior art apparatus must be provided with a controlling means for controlling the moving the plates at velocities as well as same and different directions.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 703-308-2322. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas X Dunn can be reached on 703-308-3318. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

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March 7, 2003

KUANG Y. LIN  
EXAMINER  
GROUP 320

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